

Report from the  
**Committee on  
the Federal Government  
as a Model Employer**

TO THE  
PRESIDENTIAL  
TASK FORCE  
ON EMPLOYMENT  
OF ADULTS WITH  
DISABILITIES

*Chair:*

*Janice Lachance*, Director  
Office of Personnel Management



**UNITED STATES**  
**OFFICE OF PERSONNEL MANAGEMENT**  
**WASHINGTON, D.C. 20415**

OFFICE OF THE DIRECTOR

The Honorable Alexis Herman  
Chairwoman, Presidential Task Force on  
Employment of Adults with Disabilities

The Honorable Tony Coelho  
Vice-Chair, Presidential Task Force on  
Employment of Adults with Disabilities  
200 Constitution Avenue, N.W., Room S-2312  
Washington, D.C. 20210

Dear Chairwoman Herman & Vice-Chair Coelho:

On behalf of the Federal Government as a Model Employer Committee of the Presidential Task Force on Employment of Adults with Disabilities, I am honored to forward to you the Committee's Report. Over the past six months, it has been gratifying to lead a group that is dedicated to the overall mission of eliminating barriers to federal employment for adults with disabilities and increasing opportunities for young people as well. This report is a result of Committee members from multiple agencies working together to bring well-researched ideas to fruition.

I am pleased to report that the Committee's recommendations promote the stated purpose of the Task Force "to create a coordinated and aggressive national policy to bring adults with disabilities into gainful employment." I am also proud to report that the President released OPM's "Accessing Opportunity: The Plan for Employment of People With Disabilities in the Federal Government" and its companion employment guide. This first-ever plan provides a road map for the Federal government to become a model employer of people with disabilities. We are grateful to the Task Force for all of the support and guidance provided to the Committee, and we look forward to making these recommendations a reality.

Sincerely,

A handwritten signature in black ink, reading "Janice Lachance".

Janice Lachance  
Committee Chair  
Director, U.S. Office of Personnel  
Management

# Mission

To make the Federal government a *model employer* of people with disabilities. The *Committee of the Federal Government as a Model Employer (the Committee)* chaired by Janice Lachance, Director of the Office of Personnel Management (OPM), having defined its long term mission, set forth the following goals and accountability benchmarks.

## Goals

- To improve the Federal government's record on recruitment, hiring, and career advancement of people with disabilities.
  - To ensure that people with disabilities are provided reasonable accommodations and access to the tools and information they need to function competitively as Federal government employees.
  - To ensure that those responsible for promulgating Federal policy take into account the potential impact — direct and indirect — that any particular policy might have on the employment of persons with disabilities in both public and private sectors.
- *Measurable improvements* in the extent to which equipment, facilities, space design, administrative systems, alternate formats for information dissemination, and similar “tools” of universal access to goods, services, and information are readily and routinely available for use by persons with disabilities in the Federal sector.
  - *Observable changes* in the way that the Federal government develops and implements its internal and external policies. These changes should be indicative of an “initially proactive” and “ultimately routine” consideration of how such policies might have unintended adverse impacts on the employment of persons with disabilities in both Federal and private sectors unless appropriate modifications are made.

## Benchmarks for Maintaining Accountability

- *Measurable increases* in the representation of persons with disabilities throughout the Federal workforce.
- *Measurable improvements* in the extent to which reasonable accommodation requests are handled efficiently, effectively, and to the satisfaction of both the individual and the Federal sector employer.

## Background

### Overview

The Committee was established following a report submitted in response to Section 2(a) of Executive Order 13078. That report, based on a first review of then-existing Federal personnel laws, regulations, and policies, proffered to the Presidential Task Force on Employment of Adults with Disabilities (the Task Force) 24 separate recommendations for increasing the employment of and extending the full range of employment-related benefits to adults with disabilities in the Federal Government. Those recommendations and the overall agenda set forth in *Re-charting the Course: The First Report of the Presidential Task Force on Employment of Adults with Disabilities* provided the course map and baseline upon which the Committee has proceeded during 1999.

The Committee began its work with deliberations intended to forge a consensus — among the 16 or so agencies represented on the Committee — about a realistic set of issues/themes, priorities, and achievable goals for both the short-term as well as throughout the duration of the Task Force and beyond. These discussions led to the formation of three subcommittees, each one focused on a differ-

ent set of issues: (1) Federal Policy Development; (2) Recruitment, Hiring, and Career Advancement; and (3) Reasonable Accommodations and Accessibility.

The work of the subcommittees was informed by several data collection efforts. For example, OPM provided the Task Force with *People with Disabilities in the Federal Government — A Statistical Profile*, issued in July 1998. In order to prepare the current report, OPM provided the Committee with *updated* statistical charts for FY 1998. (See Appendix I.)

The work of the Committee to date reveals that, while there has been some improvement in the employment status of adults with disabilities in the Federal workforce, numerous barriers remain. In addition, “new” barriers continue to “pop up” — whether, for example, in the area of career advancement, or because of recent court cases which raise new questions, or because of the complex interaction of Federal obligations under a number of different EEO and civil rights laws. The report of this committee, therefore, highlights some of the progress made over the past months and discusses certain priority issues that demand further attention and bold action.

## Efforts Taken Since November 1998

As noted previously, the Task Force’s first report, *Re-Charting the Course*, contained numerous recommendations to improve the employment of adults with disabilities in the Federal workforce. In the past year, a number of those recommendations have been acted upon (see Appendix II for details) including:

- Improving the Excepted Appointing Authorities for Hiring Persons with Disabilities;
- Improving Federal Health Insurance Coverage for Mental Health and Substance Abuse Treatment;
- Developing a Plan Intended to Increase Employment of People with Disabilities;
- Issuing EEOC Guidelines on Reasonable Accommodation and Undue Hardship; and

- Setting up a work group to begin revising EEOC’s “*Management Directive*” for Federal agencies regarding their equal employment opportunity and affirmative action activities.

Apart from the above actions, each subcommittee has developed its own “action plan.” These plans call for another look at the remaining recommendations from the Task Force report (i.e., those of the 24 that have not yet been acted upon), as well as a more in-depth consideration of some of the “additional” issues which have surfaced either as a result of the subcommittees’ work or because of external developments. The action plans generally outline:

- a determination of priority issues;
- an identification of relevant actions already taken or underway; and
- a listing of subcommittee recommendations for short-term, intermediate-term, and/or continuing and long-term.

Using these plans, each subcommittee will continue to analyze and address *all* remaining employment-related barriers (including structural, policy, knowledge/skill, program, attitudinal, etc.) for persons with disabilities and to report on their respective findings and recommendations to the full Committee. The full Committee, in turn, will send forward to the Task Force, periodically throughout the coming year, those findings and recommendations that it endorses.

## Subcommittee Reports

The Committee endorses its subcommittees’ findings and recommendations contained in the following reports. The subcommittees will continue to refine and implement them, and report their respective activities to the full Committee on a quarterly or similar periodic basis.

### Subcommittee on Federal Policy Development

***Subcommittee Mission:*** (1) to consider the various ways that Federal policies are developed,

implemented, and evaluated within all Federal agencies in order to determine the indirect impact and unintended consequences of such policies and policy development activities on the employment of adults with disabilities in both the Federal and private sectors; and (2) in light of the above, to take or recommend appropriate remedial action, both short- and long-term.

### **Priority Issues and Recommendations:**

***Issue #1:** The Federal policy development and implementation process does not always take into account its impact on adults with disabilities outside the immediate agency and outside the public sector.*

Well-intended desires and public policy pressures to continually “streamline” Federal policy formulation and eliminate bureaucratic “red tape” can overshadow “front-end” considerations of indirect adverse impact and unintended consequences. As a result, numerous areas of Federal policy besides employment policy per se can have and have had real effects upon the employment of working adults and job applicants with disabilities.

### **Recommendations:**

1. The Federal government must take into account — *at the front end* — the potential impact that its policies and policy development processes are likely to have on the employment-related issues of working-age adults with disabilities. Therefore, we recommend that the Committee, with the support of the Task Force, (1) determine how best to ensure that individual Federal departments and agencies strengthen their ability and capacity to address this “policy impact” issue, and (2) establish written guidelines to assist Federal agencies in carrying out “disability impact assessments” as part of their respective policy development processes.

One approach might be, for example, to assist agencies work more closely with existing “disability councils” or similar disability advisory groups within their respective organizations (or elsewhere in the Federal government). With this approach, special attention may need to be given to those

agencies which, because of their small size or other reasons, do not currently have such “councils.” Alternative mechanisms may need to be considered, pending some type of “evaluation” or assessment of currently-operating Federal agency “disability councils.”

2. The Committee should explore, with the support of the Task Force and OPM, the feasibility and appropriateness of establishing “fellowships” or “internships” in disability policy or related fields.

***Issue #2:** Internal Federal policies that are directly intended to promote the employment of adults with disabilities within the Federal government are not always effectively communicated or disseminated through agencies’ routine policy implementation processes and procedures.*

There is often a lack of awareness of the employment-related concerns or needs of adults with disabilities on the part of Federal staff responsible for policy development, and therefore a disinterest or inability to “see” the potential impacts. Moreover, there is also a lack of “umbrella” organizations, both within and across Federal agencies and departments, that can effectively represent the interests of workers with disabilities and play important roles in certain oversight functions related to “education” and “communication” in the policy development arena.

### **Recommendations:**

1. The Committee, with the advice and guidance of both the Task Force and OPM, should set up a mechanism or system that can be used routinely to promote and disseminate widely all Federal agency policy development initiatives that are intended to impact directly the employment of adults with disabilities. For example, the agreed-upon “dissemination and marketing” system might include:
  - working with/through the Interagency Advisory Group (IAG) of Human Resource (HR) Directors;
  - working with/through the Small Agency HR Council to reach the smaller Federal agencies;

- promoting new policy initiatives through letters from the Director of OPM to all Federal agency HR directors;
  - providing briefings to the President’s Management Council on new policies relating to the Federal employment of people with disabilities; and
  - determining who, in addition to Federal HR and EEO staff, are critical “stakeholders” or interested parties (including, for example, professional associations and Federal employee union organizations), and providing formalized briefings to such representatives with respect to “policy impact” issues.
2. The Committee, with the support of the Task Force, should provide guidance to assist agency heads and agency/employee “disability councils” in promoting employee awareness forums, or issuing joint letters of endorsement for program initiatives that are being adopted. The goal of each agency should be to develop an internal dissemination strategy that ensures that all employees, supervisors, and managers are fully informed about programs and policies that can be used to promote the employment and career advancement of people with disabilities. One strategy might include the use of agency-wide e-mails and websites; posters in employee-trafficked areas; and other similar, wide-reaching options.
3. The Task Force and participating agencies’ HR offices should develop a “tool kit” for agencies to help disseminate various policies that will have an impact on the employment-related interests of adults with disabilities in the Federal government. Included in the tool kit might be, for example:
- a consolidated list of recruitment sources for applicants with disabilities;
  - information on telecommuting and satellite centers;
  - a list of resources related to (1) assistive technology, (2) universal access, (3) universal design, and (4) other relevant aspects of the information technology world;
  - a library or clearinghouse-list of *Best Practices* and success stories;
  - information on the use of designated websites; and
  - a newsletter or similar exchange mechanism that reports — in plain English — on such matters as
    - various agencies’ successes with reasonable accommodation and related services and issues (e.g., transportation, housing, reassignment, flexiplace, job restructuring);
    - agency experiences with return-to-work efforts involving employees receiving workers’ compensation benefits because of disabling injuries or illnesses;
    - special hiring authorities and procedures for people with disabilities, including the relationship between these mechanisms and the ultimate goal of competitive employment;
    - the responsibilities and functions of “disability employment program managers” in the Federal government;
    - the latest examples of agency initiatives that have produced measurable results in recruiting persons with disabilities, for both entry and mid-level positions;
    - the list of colleges participating in the Workforce Recruitment Program (WRP), as maintained by the President’s Committee on Employment of Persons with Disabilities (PCEPD); and
  - the activities and achievements of various agencies’ disability advisory councils.

## Subcommittee on Recruitment, Hiring, and Career Development

**Subcommittee Mission:** to develop strategies that can be undertaken by Federal agencies to provide greater success in the recruitment, hiring, and career advancement.

## Priority Issues and Recommendations:

**Issue #1:** *Greater attention needs to be given to educating supervisors and managers about the tools and “flexibilities” that already exist for recruiting and hiring persons with disabilities.*

### **Recommendations:**

1. Agency HR offices should develop plain English materials, for use in the tool kit discussed above, that provide frontline supervisors and mid-level managers an easy-to-use outline of the special appointing authorities.
2. Federal agencies should review the data on Federal agency use of the competitive process and special appointing authorities in the recruitment and hiring of persons with disabilities to ensure that all available mechanisms are being fully utilized.
3. Those Federal agencies with low representations of employees with disabilities should undertake special educational and outreach efforts which will promote and lead to expanded use of all hiring tools, including special appointing authorities, in an effort to increase their representation rates.

**Issue #2:** *Greater coordination of outreach and recruitment efforts among Federal agencies is needed to help reduce duplication and help to replicate practices that produce results.*

### **Recommendations:**

1. Information on effective strategies, practices, and sources of applicants should be compiled and shared among Federal agencies.
2. Federal agencies should participate in the Workforce Recruitment Program (WRP) for College Students with Disabilities.
3. OPM should coordinate with colleges participating in the WRP to enhance the Federal Government’s outreach efforts for identifying candidates for the Presidential Management Intern (PMI) program and other such entry-level career development programs.

4. The Committee should explore the feasibility of establishing an effort under the Presidential Management Intern (PMI) program which would permit interns to rotate through different Federal disability policy positions. It should consider any precedents under the PMI program, such as the rotations through the “accounting” field. One purpose of having such a PMI activity would be to enable and encourage individuals who have completed post-secondary disability studies, as well as others who are experienced or particularly interested in the interface between disability issues and public policy to consider careers in the Federal sector.

**Issue #3:** *Management must continue to promote established practices that enhance access to development opportunities and programs.*

### **Recommendations:**

1. Federal agencies should review their existing training and career development programs and services to assure that they are accessible to persons with disabilities.
2. Personnel selection panels should be diverse in composition, including persons with disabilities, since the screening process benefits from heterogeneous perspectives.
3. Exit interviews should be used to try to ascertain the reasons for separation, so data can be collected and appropriate strategies can be developed to address identified issues.
4. Federal agencies should review the results of recruitment and hiring efforts, including promotions and participation in career development.

**Issue # 4:** *The actual wording and degree of detail found in Federal job descriptions may pose artificial barriers both to Federal job applicants and to Federal employees seeking competitive career advancement opportunities. Accurate identification and definition of the functions of a job are critical to the overall employment and career advancement processes.*

### **Recommendation:**

1. The Committee recommends that the subcommittee, with the advice of the Task Force, OPM, and the Equal Employment Opportunity Commission (EEOC), consider what guidance should be provided to assist Federal agencies undertake efforts such as “job restructuring” and “job task analysis” that require distinguishing between job functions that are “essential” and those that are “marginal,” and knowing how frequently these determinations shift as the focus of jobs change. The Committee will also consider whether it is appropriate to include, as part of written job descriptions, determinations as to whether individual functions are “essential” or “marginal.” If the Committee concludes, as many argue, that these highly specific and fluctuating determinations should not be part of written job descriptions, the Committee must then decide how better to ensure that all Federal job descriptions nonetheless fairly and usefully describe the jobs at issue without simultaneously creating unnecessary barriers for applicants with disabilities.

## **Subcommittee on Reasonable Accommodation and Accessibility**

**Subcommittee Mission:** (1) to develop strategies for promoting accommodations and accessibility for employees with disabilities in the Federal workforce; and (2) to establish consistent procedures for resolving issues of accommodation and accessibility throughout the Federal Government.

### **Priority Issues and Recommendations:**

**Issue #1:** *“Failure to Provide Reasonable Accommodation” is one of the largest categories of ADA complaint filed with the EEOC by Federal workers. At the same time, Federal agencies have not had, to date, consistent policies or procedures for handling requests for “reasonable accommodation.”*

### **Recommendations:**

1. The Committee must complete its efforts to determine the best method and form for ensuring

that all Federal agencies put into place written procedural guidelines for meeting their legal obligations as employers under the *Rehabilitation Act of 1973, as amended*, and under Title I of the *Americans with Disabilities Act* (ADA); for handling requests for “reasonable accommodations;” and for accepting accountability for their actions — all consistent with government-wide guidelines.

2. The Committee should, with the advice and guidance of the Task Force and the EEOC, determine how best to assist Federal agencies carry out their responsibilities under EEOC’s revised regulations at 29 C.F.R. Part 1614, effective November 9, 1999. These regulations relate to the development and/or management of individual agency EEO “alternative dispute resolution” programs. Through the judicious use of well-designed internal agency ADR systems, individual agencies may be able to resolve “reasonable accommodation” and other employment-related complaints *in a before* charges are filed with the EEOC. The Committee should consult with agencies considered to have good track records in the ADR/ADA “reasonable accommodation” arena.

**Issue #2:** *Vacancy announcements and other recruiting materials of most Federal agencies do not include information regarding the availability of reasonable accommodations. This lack of information concerning the availability of reasonable accommodation during the application process and employment poses a barrier to individuals with disabilities seeking Federal employment.*

### **Recommendation:**

1. OPM should require Federal agencies to include specific language about reasonable accommodation in all vacancy announcements. OPM and EEOC should coordinate development of language for inclusion in vacancy announcements to inform applicants of their right to reasonable accommodation.

**Issue #3:** *Buildings owned or leased for occupancy by the Federal Government are subject to the Architectural Barriers Act of 1968. Architect-*



*tural barriers at Federal facilities most frequently reported to the Access Board involve entrances, ramps, doors, and accessible routes. Other facility barriers mentioned include parking spaces, curb ramps, and restrooms. Accessible features in government facilities need to comply with consistent accessibility standards throughout all Federal agencies.*

### **Recommendation:**

1. In order to achieve consistency across all Federal facilities, agencies should adopt a policy which applies — on an item-by-item basis — the more stringent of the Federal accessibility standards and the accessibility guidelines established in the Americans with Disabilities Act.<sup>1</sup>

## Next Steps

Below is a brief discussion of seven issues which, in the opinion of the Committee, the Task Force should regard as “priority” for the coming year and should charge the Committee with the responsibility for addressing and forwarding recommendations for specific remedial action.

**Next Step Issue #1 — Data collection:** There is a need to investigate further how best to strengthen and coordinate Federal data collection efforts in order to provide decision makers a better understanding of the full dimensions of the employment concerns of people with disabilities in the Federal workforce.

1. **Coordination with other Task Force Committees:** At present there are no reliable civilian labor force statistics that allow meaningful comparisons with the Federal workforce regarding the employment representation of people with disabilities. Employment surveys often use different criteria for identifying people with disabilities. For instance, there is no civilian labor force criteria equivalent to that used for Federal

employees with EEOC-targeted disabilities. The Task Force and participating agencies, particularly those involved in the Statistics Committee, should continue to examine ways to improve Federal data collection efforts and recommend uniform criteria for identifying people with disabilities.

2. **Developing Agreed-Upon “Progress Measures” for Ensuring Federal Government Accountability in the Areas of Reasonable Accommodation and Accessibility:** The Committee will identify mechanisms for measuring the progress of Federal agencies against their plans and policies for providing reasonable accommodations and ensuring accessibility. Benchmarks for measuring success can be derived from aggregate data from appropriate sources including reasonable accommodation tracking systems; self-evaluations of technology accessibility, and employee surveys.
3. **Creating a User-Friendly Summary and Analysis of EEOC’s Annual Report on the Employment of Minorities, Women and People with Disabilities in the Federal Government:** The Committee will explore, in consultation with the Task Force and EEOC, the development of a mini report, based on an analysis of EEOC’s Annual Report, which would highlight key data pertaining to the performance of all Federal agencies under the nondiscrimination and affirmative action obligations of the *Rehabilitation Act of 1973, as amended*.

**Next Step Issue #2 — Job Banks:** There exists a number of electronic “job banks” maintained by different Federal agencies, including the DOL, the PCEPD, and OPM. The Committee should determine whether and how best to coordinate, reconcile, and/or combine these independent efforts and resources in order to promote employment of people with disabilities in the Federal workforce more successfully.

<sup>1</sup>See *Uniform Federal Accessibility Standards* (UFAS), (1968, as revised) and the *Americans with Disabilities Act Accessibility Guidelines* (ADAAG) (1990).

**Next Step Issue #3 — Reasonable Accommodation:** As discussed above, there is a need for agencies to have consistent written policies and procedures for providing reasonable accommodation. Related factors include:

1. **Funding for Reasonable Accommodation:** In the President's FY 2000 budget, funding was allocated to establish two revolving funds for agencies to access, in order to defray the costs — from central sources — of providing reasonable accommodation (e.g., equipment). At the time this report was submitted, the Congress had not yet acted on the request. The Committee will continue to monitor this request and make recommendations to the Task Force for further action.
2. **Interpreters, Readers, and Personal Assistant Services:** The Committee will work with the EEOC and OPM to investigate and develop recommendations concerning program funding and procedures unique to sign language interpreters, readers, and personal assistants. These accommodation service programs should be included in agencies' development of their plans and budgets for providing reasonable accommodation.
3. **Retention:** The Committee will consider how best to ensure that federal agencies — in addition to examining their "reasonable accommodation" policies and procedures in the context of recruitment, hiring, and career advancement — take a look at how partially disabling medical conditions or the aging process may affect the employability of Federal workers who have not stopped working but who may need accommodation in order to continue working. For example, the Committee might decide to assess the appropriateness and effectiveness of current methods used by Federal agencies to find a suitable reassignment as part of the disability retirement process.

**Next Step Issue #4 — Training of Federal Workers in Reasonable Accommodation and Accessibility Matters:** Ongoing, structured or for-

mal training of supervisors, managers, executive administrators, and employees regarding accessibility and accommodation issues must be implemented. There is also a related data collection need for information on the extent to which (1) the current delivery of Federal training is universally accessible, and (2) ADA-compliant reasonable accommodations are routinely available to trainees with disabilities. The Committee will continue its work in this area and will report to the Task Force over the next several months its findings and recommendations, particularly related to:

- Training on reasonable accommodation and accessibility — for managers, supervisors, and employees — and the extent to which such training should be regarded as mandatory.
- The accessibility of training facilities, materials, and learning technologies, as well as the provision of reasonable accommodations to trainees.

**Next Step Issue #5 — Federal Employee Access to Technology, Communications, Events, and Services:** The Committee will develop recommended actions concerning:

- Technology access related to training, electronic communication, information, and other services that are linked to the actions and recommendations of the Task Force's Technology Subcommittee (under the Civil Rights Committee) and any other cross-cutting technology efforts associated with the Task Force;
- Alternate formats for print documents and audiovisual materials produced and used by the Federal Government; and
- Access to Federal Government events, e.g., meetings, conferences, training and similar presentations.

**Next Step Issue #6 — Return-to-Work:** Return-to-work issues are of concern to federal agencies, and need to be addressed within the larger disability employment context. Incumbent Federal employees who have sustained disabling injuries during the course of their careers face employment-related issues that sometimes appear over-

shadowed by other Federal disability efforts and publicity. But a “model” employer must be sensitive and respond appropriately, not only to applicants for and individuals recently hired by Federal agencies, but also to previously-hired employees who have sustained disabling injuries while working in the Federal government and who want to continue working rather than, e.g., receiving workers’ compensation benefits or retiring on disability.

The Committee will consider setting up a subgroup within one of its subcommittees to focus on return-to-work issues and the relationship of these issues to overall efforts and policies aimed at increasing the rate of employment of adults with disabilities in the Federal government.

**Next Step Issue #7 — Access to Transportation, Federal Day Care, Parking, and Exercise Facilities:** There is growing concern about the accessibility to people with disabilities of these services which have become increasingly available to Federal government employees. The Committee will investigate the extent of the discrepancies and report back to the Task Force on its findings.

## **Members of the Committee on the Federal Government as a Model Employer**

### ***Chair:***

*Janice Lachance*, Director  
Office of Personnel Management

### ***Agency Members:***

*Architectural and Transportation Barriers Compliance Board*

*Department of Commerce:*  
National Telecommunications Information Administration

*Department of Defense:*  
Equal Opportunity Office; Computer/Electronic Accommodation Program

*Department of Education:*  
Office of Special Education and Rehabilitation Services; Office of Management

*Department of Health and Human Services:*  
Assistant Secretary of Management and Budget

*Department of Labor:*  
Assistant Secretary of Administration and Management; Civil Rights Center; Human Resource Center; Assistant Secretary of Policy; Office of Workers' Compensation Programs

*Department of State:*  
Office of Equal Opportunity and Civil Rights

*Department of Veterans' Affairs:*  
Equal Opportunity

*Equal Employment Opportunity Commission*

*Federal Communications Commission:*  
Disability Issues Task Force

*General Services Administration:*  
Personnel Policy Brand

*National Science Foundation:*  
Human Resource Development

*Office of Management and Budget*

*Office of Personnel Management:*  
Policy and Communication; Employment Services; Office of Diversity

*President's Committee on Employment of People with Disabilities*

*Social Security Administration:*  
General Counsel; Civil Rights and Equal Opportunity

# Appendix I:

## Background Statistical Data

The Committee will continue to present this data in future reports to the Task Force.

### Federal Employment of People with Disabilities

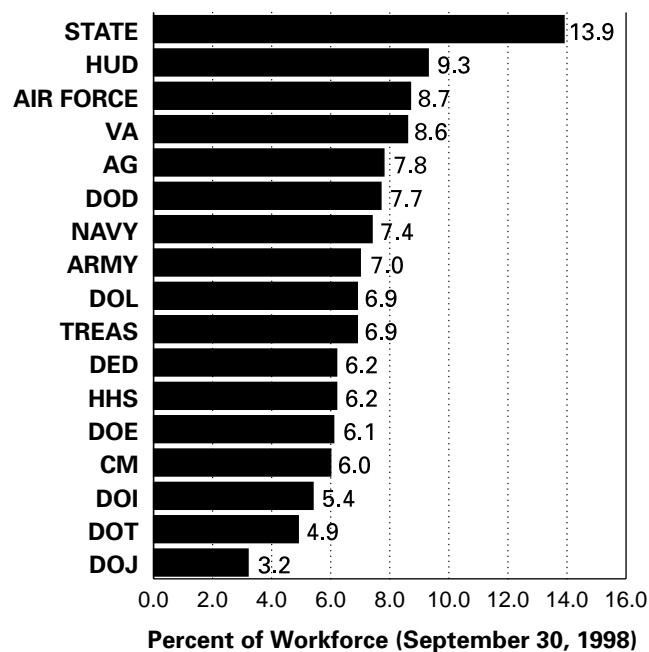
The following charts (**Figures 1 and 2**) summarize Federal employment data for employees with disabilities at the end of the last fiscal year (September 30, 1998). Federal executive departments and independent agencies (with 500 or more employees)

varied greatly in their employment representation of employees with disabilities. Among executive departments, the range varied from a high of 13.9 percent at the Department of State, to a low of 3.2 percent at the Department of Justice. There was also great variability among the 27 independent Federal agencies (IFAs), from as high as 11.1 percent at the Armed Forces Retirement Home, to a low of 2.4 percent at the Commodity Futures Trading Commission.<sup>2</sup>

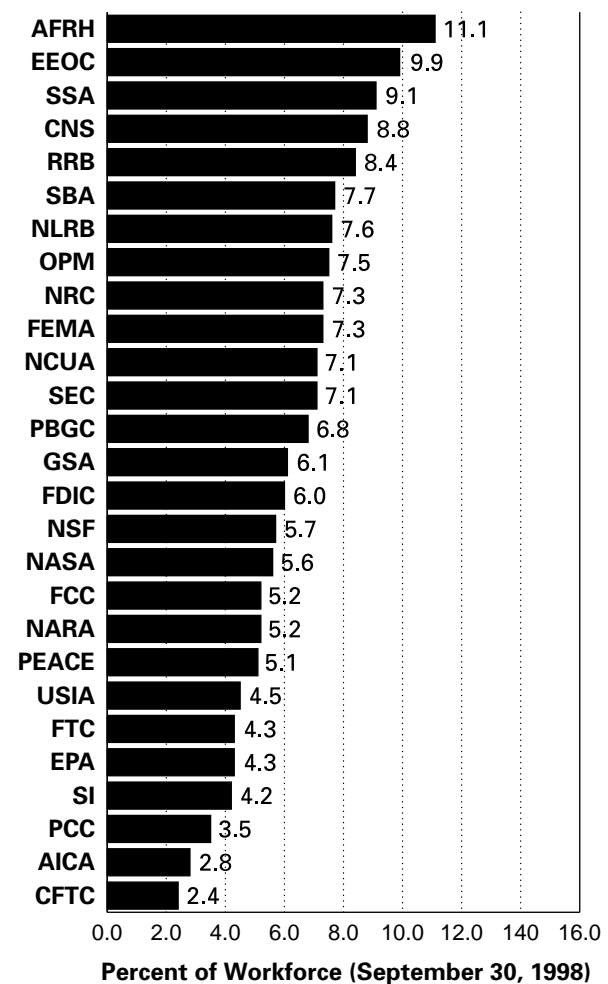
### Federal Employment of People with EEOC-targeted Disabilities

When similar Federal workforce data are analyzed for the employment representation of employees

**Figure 1:** Representation of Employees with Disabilities in Federal Executive Departments



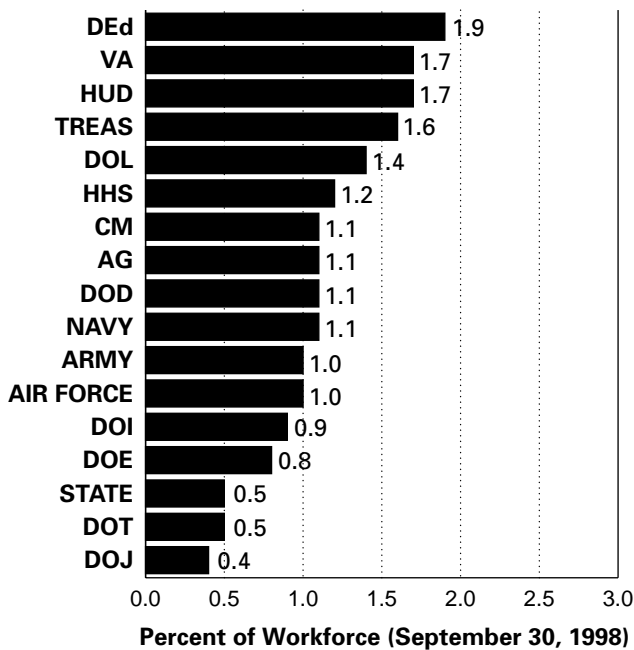
**Figure 2:** Representation of Employees with Disabilities in Federal Independent Agencies (500+ Employees)



<sup>2</sup>Source: U.S. OPM's Central Personnel Data File. Data is for 1998, the most recent fiscal year. Statistics in these charts may vary from other releases due to differences in coverage (e.g., agency, work schedule, tenure, and "as-of" dates). Employment data based on total (permanent and temporary) Federal Executive Branch workforce.

with EEOC-targeted disabilities, a different picture emerges (see **Figures 3 and 4**). For example, the overall ranges for the employment representation of employees with EEOC-targeted disabilities are low; less than 2.5 percent for all Federal executive departments and independent agencies (with 500 or more employees).<sup>3</sup>

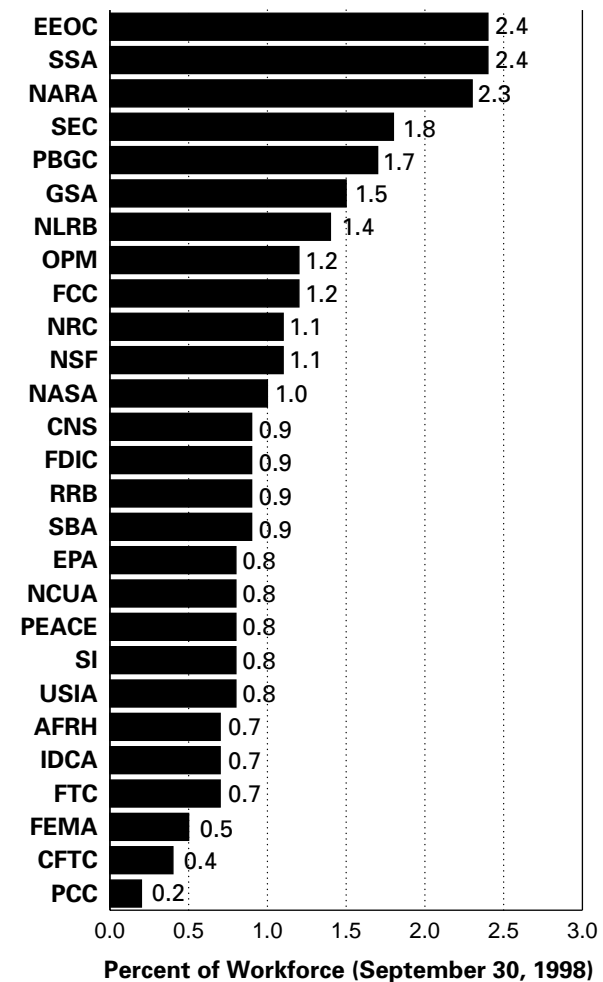
**Figure 3:** Representation of Employees with EEOC-Targeted Disabilities in Federal Executive Departments



## Agency Use of Special Appointing Authorities for Persons with Disabilities

The final area covered by the data reported by OPM is Federal agency use of the five “*special appointing authorities*” for hiring persons with disabilities for the period covering Fiscal Year (FY) 1994 through FY 1998. The overall government

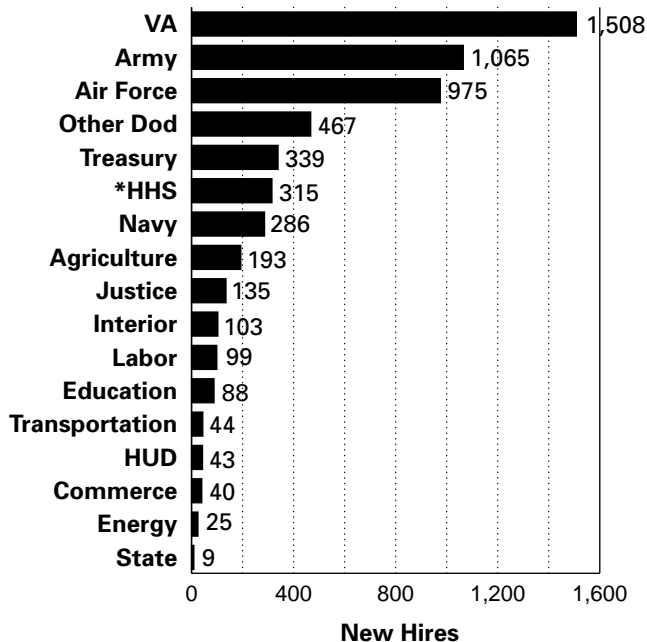
**Figure 4:** Representation of Employees with EEOC-Targeted Disabilities in Federal Independent Agencies (500+ Employees)



<sup>3</sup>“Targeted disabilities,” as defined by the EEOC, are disabilities that are “targeted” for emphasis in affirmative action planning. These are: deafness, blindness, missing extremities, partial paralysis, complete paralysis, convulsive disorders, mental retardation, mental illness, and genetic or physical conditions affecting limbs and/or spine. Although the list of “targeted disabilities” is meant to include those who are most likely to suffer job discrimination, the EEOC recognizes that some disabilities that are not “targeted” for this specific purpose may nevertheless be just as severe or more severe than some of the “targeted” disabilities.

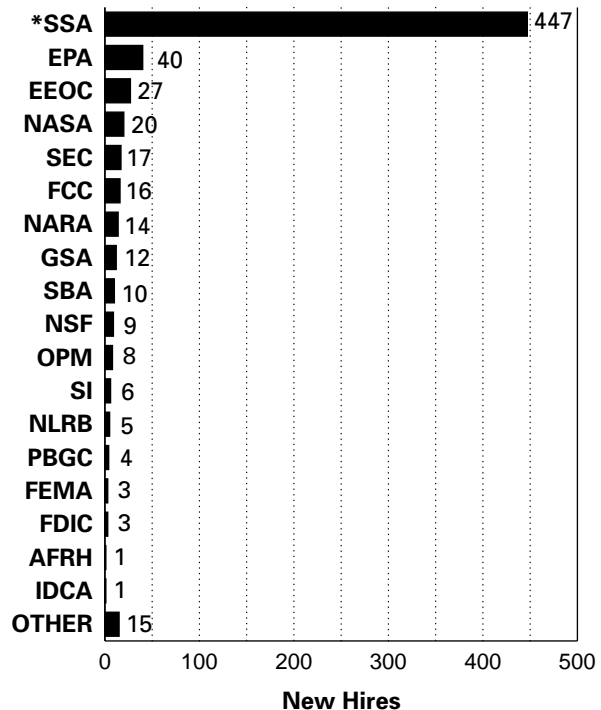
wide numbers are very low: only 6,392 total new hires under these special noncompetitive hiring authorities during the past five years. As one can see in **Figures 5 and 6**, usage of these hiring authorities varied significantly by Federal departments and agencies during the five-year period.<sup>4</sup>

**Figure 5:** Use of 5 Special Appointing Authorities for Hiring Persons with Disabilities Among Federal Executive Departments During the Past Five Years (FY 1994 – FY 1998)



\*HHS: Includes SSA for FY 1994 data.

**Figure 6:** Use of 5 Special Appointing Authorities for Hiring Persons with Disabilities Among Independent Agencies (500+ Employees) During the Past Five Years (FY 1994 – FY 1998)



\*SSA: Made independent agency in 1995.

<sup>4</sup>The Federal Government's hiring options include excepted service special appointing authorities for people with disabilities that Federal employers are authorized to use when considering certain eligible people with disabilities for noncompetitive appointment. The five appointing authorities covered in this report and their legal citation in the Code of Federal Regulations (CFR) include: *Schedule A*, 5 CFR 213.3102(t) for *Hiring People with Mental Retardation*; *Schedule A*, 5 CFR 213.3102(u) for *Hiring People with Severe Physical Disabilities*; *Schedule B*, 5 CFR 213.3202(k) for *Hiring People who have Recovered from Mental Illness*; *Schedule A*, 5 CFR 213.3102(11) for *Hiring Readers, Interpreters, and Other Personal Assistants*; and one veteran-specific special appointing authority for *30 Percent or More Disabled Veterans*, 5 CFR 316.302(b)(4) or, for term appointments, 5 CFR 316.402(b)(4).

# List of Agency Abbreviation

## Executive Departments

**Air Force** — Department of the Air Force  
**Interior** — Department of Interior  
**Agriculture** — Department of Agriculture  
**Justice** — Department of Justice  
**Army** — Department of the Army  
**Labor** — Department of Labor  
**Commerce** — Department of Commerce  
**Navy** — Department of the Navy  
**Defense** — Department of Defense (does not include Army, Air Force, Navy)  
**State** — Department of State  
**Education** — Department of Education  
**Transportation** — Department of Transportation  
**Energy** — Department of Energy  
**Treasury** — Department of Treasury  
**HHS** — Department of Health and Human Services  
**VA** — Department of Veterans Affairs  
**HUD** — Department of Housing and Urban Development

## Independent Agencies (500+ Total Employees)

**AFR** — Armed Forces Retirement Home  
**NLRB** — National Labor Relations Board  
**CFTC** — Commodity Futures Trading Commission  
**NRC** — Nuclear Regulatory Commission  
**CNS** — Corporation for National and Community Service  
**NSF** — National Science Foundation  
**EEOC** — Equal Employment Opportunity Commission  
**OPM** — Office of Personnel Management  
**EPA** — Environmental Protection Agency  
**PBGC** — Pension Benefit Guaranty Corporation  
**FCC** — Federal Communications Commission  
**PCC** — Panama Canal Commission  
**FDIC** — Federal Deposit Insurance Corporation  
**PEACE** — Peace Corps  
**FEMA** — Federal Emergency Management Agency  
**RRB** — Railroad Retirement Board  
**FTC** — Federal Trade Commission  
**SBA** — Small Business Administration  
**GSA** — General Services Administration  
**SEC** — Securities and Exchange Commission  
**IDCA** — International Development Cooperation Agency  
**SI** — Smithsonian Institution  
**NARA** — National Archives Records Administration  
**SSA** — Social Security Administration  
**NASA** — National Aeronautics Space Administration  
**USIA** — United States Information Agency  
**NCUA** — National Credit Union Administration



# Appendix II:

## Federal Efforts Taken Since November

The Task Force's first report to the President contained several recommendations to improve the employment of adults with disabilities in the Federal workforce. The following recommendations have been acted upon:

***Excepted Appointing Authorities:*** On June 4, 1999, the President signed Executive Order 13124, amending civil service rules relating to Federal Government employees with psychiatric disabilities. The executive order changes decades-old civil service rules to give persons with psychiatric disabilities the same employment opportunities currently provided to persons with severe physical disabilities or mental retardation. Prior to the executive order, Federal agencies could use a special noncompetitive appointing authority, but only to offer *temporary* jobs to persons with psychiatric disabilities. Those jobs *ended* after two years, requiring the employee to compete for permanent Federal employment.

The executive order will give agencies the authority to allow persons with psychiatric disabilities to stay in their jobs and join the civil service as permanent employees provided they have carried out their duties successfully. This change will "level the playing field" since the rules already permit agencies to use special hiring authorities to *permanently* hire persons with severe physical disabilities and mental retardation. In response to the executive order, OPM has begun to draft implementing regulations and will allow for a period of public comment before they are issued.

***Health Insurance Program:*** On June 7, 1999, at the White House Conference on Mental Health, the President officially announced the Federal Government's intention to achieve parity for mental health and substance abuse treatment in the Federal Employees Health Benefits Program (FEHBP). The FEHBP is by far the largest employer-sponsored health insurance program in the country, covering

about 9 million people including Federal employees, retirees, and their families. In response, OPM Director Janice Lachance issued a letter to over 285 participating health plans enlisting their support. Over the past several years, the FEHBP has been moving toward mental health and substance abuse parity. OPM has eliminated lifetime and annual maximums in the program, and negotiated with plans to move away from contractual day- and visit-limitations and high deductibles, co-payments, and coinsurance for mental health coverage.

***New Plan Intended to Increase Employment of People with Disabilities:*** In response to another Task Force recommendation made in its first report to the President, Vice President Gore directed OPM to develop a plan to increase the representation of adults with disabilities in the Federal workforce. Such a "model" plan will help ensure that Federal departments and agencies:

- recruit widely for positions at all levels;
- provide opportunities for students with disabilities;
- give full consideration to employees with disabilities for career development opportunities;
- collect and maintain data to monitor success; and
- provide reasonable accommodations for qualified applicants and employees with disabilities, consistent with guidance from the EEOC.

The OPM plan with its companion *Employment Guide for People with Disabilities* is in the final stages of interagency review and clearance for release.

***EEOC Guidelines on "Reasonable Accommodation" and "Undue Hardship":*** In March 1999, the EEOC issued enforcement guidance on the concepts of "reasonable accommodation" and "undue hardship" under the *Americans with Disabilities Act of 1990*. This guidance also applies to the nondiscrimination provisions of Section 501 of the *Rehabilitation Act of 1973 (as amended)*.

With respect to “reasonable accommodation,” the guidance examines what “reasonable accommodation” means and who is entitled to receive it. It also addresses what constitutes a request for “reasonable accommodation” and how an employer may respond to such a request. Several forms of “reasonable accommodation” (including reassignment) are discussed, along with “modifications” that do *not* constitute “reasonable accommodation.”

With respect to “undue hardship,” the March 1999 guidance provides clarification on when an “undue hardship” might be found to exist and discusses the circumstances under which an employer may claim “undue hardship” in defense of its refusal to provide a specific type of requested “reasonable accommodation.”

Since publication of this 1999 enforcement guidance, the EEOC has provided training to numerous Federal agencies on how to develop “reasonable accommodation” policies consistent with the guidance, and how to comply with the legal obligations imposed upon Federal sector employers.

***EEOC Revision of its “Management Directive”:***

The EEOC is in the process of revising its current “Management Directive” for Federal agencies regarding their equal employment opportunity and affirmative action activities. The revised directive will include expanded guidance for Federal agencies on developing policies and procedures to provide reasonable accommodations. The revised directive is expected to incorporate the 12 standards for developing reasonable accommodation policies contained in *Re-Charting the Course*. In addition, the EEOC has been available to provide technical assistance to agencies as they develop their respective reasonable accommodation policies and procedures.

***“Reassignment” as a Form of Legally-Compliant “Reasonable Accommodation”:*** The EEOC is currently revising regulations at 29 CFR 1614.203, which govern nondiscrimination as to Federal government job applicants and Federal employees with disabilities. The revised regulations, pursuant to the *Rehabilitation Act Amendments of 1992*, will incorporate the non-discrimi-

nation standards from Title I of the ADA. This includes incorporating the ADA standards for “reassignment” as a “reasonable accommodation.”